



General Assembly

Amendment

February Session, 2022

LCO No. 4976



Offered by:

SEN. LOPES, 6th Dist.

REP. WILLIAMS, 100th Dist.

To: Subst. Senate Bill No. 291

File No. 244

Cal. No. 195

"AN ACT CONCERNING CERTAIN PROTECTIONS FOR GROUP AND FAMILY CHILD CARE HOMES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 8-3j of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2022*):

5 (a) No zoning regulation shall treat any family child care home
6 [registered] or group child care home located in a residence and licensed
7 by the Office of Early Childhood pursuant to [section 17b-733] chapter
8 368a in a manner different from single or multifamily dwellings.

9 (b) Not later than December 1, 2022, and annually thereafter, each
10 municipality shall submit to the Office of Policy and Management a
11 sworn statement from the chief executive officer of the municipality
12 stating (1) that the municipality's zoning ordinances are in compliance
13 with (A) subsection (a) of this section, and (B) the provisions of

14 subdivision (1) of subsection (d) of section 8-2, as amended by this act,
15 or (2) the specific time frame within which the municipality will bring
16 its zoning ordinances into compliance with subsection (a) of this section
17 and subsection (d) of section 8-2, as amended by this act.

18 Sec. 2. Subsection (d) of section 8-2 of the 2022 supplement to the
19 general statutes is repealed and the following is substituted in lieu
20 thereof (*Effective October 1, 2022*):

21 (d) Zoning regulations adopted pursuant to subsection (a) of this
22 section shall not:

23 (1) (A) Prohibit the operation in a residential zone of any family child
24 care home or group child care home [in a residential zone] located in a
25 residence, or (B) require any special zoning permit or special zoning
26 exception for such operation;

27 (2) (A) Prohibit the use of receptacles for the storage of items
28 designated for recycling in accordance with section 22a-241b or require
29 that such receptacles comply with provisions for bulk or lot area, or
30 similar provisions, except provisions for side yards, rear yards and front
31 yards; or (B) unreasonably restrict access to or the size of such
32 receptacles for businesses, given the nature of the business and the
33 volume of items designated for recycling in accordance with section 22a-
34 241b, that such business produces in its normal course of business,
35 provided nothing in this section shall be construed to prohibit such
36 regulations from requiring the screening or buffering of such receptacles
37 for aesthetic reasons;

38 (3) Impose conditions and requirements on manufactured homes,
39 including mobile manufactured homes, having as their narrowest
40 dimension twenty-two feet or more and built in accordance with federal
41 manufactured home construction and safety standards or on lots
42 containing such manufactured homes, including mobile manufactured
43 home parks, if those conditions and requirements are substantially
44 different from conditions and requirements imposed on (A) single-
45 family dwellings; (B) lots containing single-family dwellings; or (C)

46 multifamily dwellings, lots containing multifamily dwellings, cluster
47 developments or planned unit developments;

48 (4) (A) Prohibit the continuance of any nonconforming use, building
49 or structure existing at the time of the adoption of such regulations; (B)
50 require a special permit or special exception for any such continuance;
51 (C) provide for the termination of any nonconforming use solely as a
52 result of nonuse for a specified period of time without regard to the
53 intent of the property owner to maintain that use; or (D) terminate or
54 deem abandoned a nonconforming use, building or structure unless the
55 property owner of such use, building or structure voluntarily
56 discontinues such use, building or structure and such discontinuance is
57 accompanied by an intent to not reestablish such use, building or
58 structure. The demolition or deconstruction of a nonconforming use,
59 building or structure shall not by itself be evidence of such property
60 owner's intent to not reestablish such use, building or structure;

61 (5) Prohibit the installation, in accordance with the provisions of
62 section 8-1bb, of temporary health care structures for use by mentally or
63 physically impaired persons if such structures comply with the
64 provisions of said section, unless the municipality opts out in
65 accordance with the provisions of subsection (j) of said section;

66 (6) Prohibit the operation in a residential zone of any cottage food
67 operation, as defined in section 21a-62b;

68 (7) Establish for any dwelling unit a minimum floor area that is
69 greater than the minimum floor area set forth in the applicable building,
70 housing or other code;

71 (8) Place a fixed numerical or percentage cap on the number of
72 dwelling units that constitute multifamily housing over four units,
73 middle housing or mixed-use development that may be permitted in the
74 municipality;

75 (9) Require more than one parking space for each studio or one-
76 bedroom dwelling unit or more than two parking spaces for each

77 dwelling unit with two or more bedrooms, unless the municipality opts
78 out in accordance with the provisions of section 8-2p; or

79 (10) Be applied to deny any land use application, including for any
80 site plan approval, special permit, special exception or other zoning
81 approval, on the basis of (A) a district's character, unless such character
82 is expressly articulated in such regulations by clear and explicit physical
83 standards for site work and structures, or (B) the immutable
84 characteristics, source of income or income level of any applicant or end
85 user, other than age or disability whenever age-restricted or disability-
86 restricted housing may be permitted.

87 Sec. 3. Subsection (a) of section 19a-87b of the 2022 supplement to the
88 general statutes is repealed and the following is substituted in lieu
89 thereof (*Effective October 1, 2022*):

90 (a) No person, group of persons, association, organization,
91 corporation, institution or agency, public or private, shall maintain a
92 family child care home, as described in section 19a-77, without a license
93 issued by the Commissioner of Early Childhood. Licensure forms shall
94 be obtained from the Office of Early Childhood. Applications for
95 licensure shall be made to the commissioner on forms provided by the
96 office and shall contain the information required by regulations adopted
97 under this section. The licensure and application forms shall contain a
98 notice that false statements made therein are punishable in accordance
99 with section 53a-157b. Applicants shall state, in writing, that they are in
100 compliance with the regulations adopted by the commissioner pursuant
101 to subsection (f) of this section. Before a family child care home license
102 is granted, the office shall make an inquiry and investigation which shall
103 include a visit and inspection of the premises for which the license is
104 requested. Any inspection conducted by the office shall include an
105 inspection for evident sources of lead poisoning. The office shall provide
106 for a chemical analysis of any paint chips found on such premises.
107 Neither the commissioner nor the commissioner's designee shall require
108 an annual inspection for homes seeking license renewal or for licensed
109 homes, except that the commissioner or the commissioner's designee

110 shall make an unannounced visit, inspection or investigation of each
111 licensed family child care home at least once every year. A licensed
112 family child care home shall not be subject to any conditions on the
113 operation of such home by local officials, other than those imposed by
114 the office pursuant to this subsection, if the home complies with all
115 [local] codes and ordinances applicable to single and multifamily
116 dwellings.

117 Sec. 4. Subsection (a) of section 47a-4 of the general statutes is
118 repealed and the following is substituted in lieu thereof (*Effective October*
119 *1, 2022*):

120 (a) A rental agreement shall not provide that the tenant: (1) Agrees to
121 waive or forfeit rights or remedies under this chapter and sections 47a-
122 21, as amended by this act, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-
123 26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46,
124 or under any section of the general statutes or any municipal ordinance
125 unless such section or ordinance expressly states that such rights may
126 be waived; (2) authorizes the landlord to confess judgment on a claim
127 arising out of the rental agreement; (3) agrees to the exculpation or
128 limitation of any liability of the landlord arising under law or to
129 indemnify the landlord for that liability or the costs connected
130 therewith; (4) agrees to waive his right to the interest on the security
131 deposit pursuant to section 47a-21, as amended by this act; (5) agrees to
132 permit the landlord to dispossess him without resort to court order; (6)
133 consents to the distraint of his property for rent; (7) agrees to pay the
134 landlord's attorney's fees in excess of fifteen per cent of any judgment
135 against the tenant in any action in which money damages are awarded;
136 (8) agrees to pay a late charge prior to the expiration of the grace period
137 set forth in section 47a-15a or to pay rent in a reduced amount if such
138 rent is paid prior to the expiration of such grace period; [or] (9) agrees
139 to pay a heat or utilities surcharge if heat or utilities is included in the
140 rental agreement; or (10) in any rental agreement entered into, extended
141 or renewed on or after October 1, 2022, is prohibited from operating a
142 licensed family child care home, as described in section 19a-77, or is
143 otherwise restricted in the operation of a licensed family child care

144 home.

145 Sec. 5. (NEW) (*Effective October 1, 2022*) A landlord may require any
146 operator of a licensed family child care home or group child care home
147 that operates on the premises of such landlord to maintain liability
148 insurance in an amount that provides reasonable protection for such
149 operator against claims for injury sustained by clients and guests due to
150 the negligence of such operator or such operator's employees. In any
151 renter's, homeowner's or liability insurance policy providing coverage
152 for the operator of a licensed family child care home or group child care
153 home, such operator may, and at the landlord's request shall, name such
154 operator's landlord as an additional insured on such policy. For the
155 purposes of this section, "family child care home" and "group child care
156 home" have the same descriptions as provided in section 19a-77 of the
157 general statutes and "landlord" has the same meaning as provided in
158 section 47a-1 of the general statutes.

159 Sec. 6. Section 19a-80 of the 2022 supplement to the general statutes
160 is repealed and the following is substituted in lieu thereof (*Effective*
161 *October 1, 2022*):

162 (a) No person, group of persons, association, organization,
163 corporation, institution or agency, public or private, shall maintain a
164 child care center or group child care home without a license issued in
165 accordance with this section and sections 19a-77 to [19a-80] 19a-79a,
166 inclusive, and 19a-82 to 19a-87a, inclusive. Applications for such license
167 shall be made to the Commissioner of Early Childhood on forms
168 provided by the commissioner and shall contain the information
169 required by regulations adopted under said sections. The forms shall
170 contain a notice that false statements made therein are punishable in
171 accordance with section 53a-157b.

172 (b) (1) Upon receipt of an application for a license, the commissioner
173 shall issue such license if, upon inspection and investigation, said
174 commissioner finds that the applicant, the facilities and the program
175 meet the health, educational and social needs of children likely to attend

176 the child care center or group child care home and comply with
177 requirements established by regulations adopted under this section and
178 sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a,
179 inclusive. Any such inspection under this subsection of a group child
180 care home located in a residence shall include an inspection for evident
181 sources of lead poisoning, and shall provide for chemical analysis of any
182 paint chips found on such premises. The commissioner shall offer an
183 expedited application review process for an application submitted by a
184 municipal agency or department. A currently licensed person or entity,
185 as described in subsection (a) of this section, seeking a change of
186 operator, ownership or location shall file a new license application,
187 except such person or entity may request the commissioner to waive the
188 requirement that a new license application be filed. The commissioner
189 may grant or deny such request. Each license shall be for a term of four
190 years, shall be nontransferable, and may be renewed upon receipt by the
191 commissioner of a renewal application and accompanying licensure fee.
192 The commissioner may suspend or revoke such license after notice and
193 an opportunity for a hearing as provided in section 19a-84 for violation
194 of the regulations adopted under this section and sections 19a-77 to 19a-
195 79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an
196 application for renewal of a license that has expired, the commissioner
197 may renew such expired license within thirty days of the date of such
198 expiration upon receipt of a renewal application and accompanying
199 licensure fee.

200 (2) The commissioner shall collect from the licensee of a child care
201 center a fee of five hundred dollars prior to issuing or renewing a license
202 for a term of four years. The commissioner shall collect from the licensee
203 of a group child care home a fee of two hundred fifty dollars prior to
204 issuing or renewing a license for a term of four years. The commissioner
205 shall require only one license for a child care center operated in two or
206 more buildings, provided the same licensee provides child care services
207 in each building and the buildings are joined together by a contiguous
208 playground that is part of the licensed space.

209 (3) The commissioner, or the commissioner's designee, shall make an

210 unannounced visit, inspection or investigation of each licensed child
211 care center and group child care home at least once each year. At least
212 once every two years, the local health director, or the local health
213 director's designee, shall make an inspection of each licensed child care
214 center and group child care home.

215 (4) A municipality may not subject the operation of a licensed group
216 child care home located in a residence to any conditions, other than
217 those imposed by the commissioner pursuant to this subsection, if the
218 group child care home complies with all codes and ordinances
219 applicable to single and multifamily dwellings.

220 (c) The commissioner shall require each prospective employee of a
221 child care center or group child care home for a position that requires
222 the provision of care to a child or involves unsupervised access to any
223 child in such child care center or group child care home, to submit to
224 comprehensive background checks, including state and national
225 criminal history records checks. The criminal history records checks
226 required pursuant to this subsection shall be conducted in accordance
227 with section 29-17a. The commissioner shall also request a check of the
228 state child abuse registry established pursuant to section 17a-101k. The
229 Commissioner of Early Childhood shall notify each licensee of the
230 provisions of this subsection. No such prospective employee shall begin
231 working in such child care center or group child care home until the
232 provisions of 45 CFR 98.43(d)(4), as amended from time to time, have
233 been satisfied.

234 (d) The commissioner shall inform each licensee, by way of a plain
235 language summary provided not later than sixty days after the
236 regulation's effective date, of new or changed regulations adopted
237 under this section and sections 19a-77 to [19a-80] 19a-79a, inclusive, or
238 sections 19a-82 to 19a-87a, inclusive, with which a licensee must comply.

239 Sec. 7. (NEW) (*Effective October 1, 2022*) (a) No person shall deny,
240 restrict or encumber the leasing of (1) a single-family or multifamily
241 dwelling for use or occupancy as a licensed family child care home, or

242 (2) a single-family dwelling for use or occupancy as a licensed group
243 child care home. No person shall refuse to rent, or refuse to negotiate for
244 the rental of, or otherwise make unavailable, a single-family or
245 multifamily dwelling, where the applicable zoning regulations allow for
246 residential use, to a person because such person operates or intends to
247 operate a licensed family child care home or a licensed group child care
248 home.

249 (b) This section shall not apply to any restriction adopted by (1) an
250 association of unit owners pursuant to chapter 825 of the general
251 statutes for a condominium, or (2) a unit owners' association for a
252 common interest community pursuant to chapter 828 of the general
253 statutes.

254 (c) For the purposes of this section, "restriction" means a restriction
255 imposed orally, in writing or by conduct and includes a prohibition, and
256 "family child care home" and "group child care home" have the same
257 descriptions as provided in section 19a-77 of the general statutes.

258 Sec. 8. Subsection (b) of section 47a-21 of the 2022 supplement to the
259 general statutes is repealed and the following is substituted in lieu
260 thereof (*Effective October 1, 2022*):

261 (b) (1) [In] Except as provided in subdivision (3) of this subsection, in
262 the case of a tenant under sixty-two years of age, a landlord shall not
263 demand a security deposit in an amount that exceeds two months' rent.

264 (2) [In] Except as provided in subdivision (3) of this subsection, in the
265 case of a tenant sixty-two years of age or older, a landlord shall not
266 demand a security deposit in an amount that exceeds one month's rent.
267 Any landlord who has received a security deposit in an amount that
268 exceeds one month's rent from a tenant who becomes sixty-two years of
269 age after paying such security deposit shall return the portion of such
270 security deposit that exceeds one month's rent to the tenant upon the
271 tenant's request.

272 (3) A landlord may demand an additional security deposit not to

273 exceed one month's rent from a tenant who operates a group child care
274 home, as described in section 19a-77."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2022</i>	8-3j
Sec. 2	<i>October 1, 2022</i>	8-2(d)
Sec. 3	<i>October 1, 2022</i>	19a-87b(a)
Sec. 4	<i>October 1, 2022</i>	47a-4(a)
Sec. 5	<i>October 1, 2022</i>	New section
Sec. 6	<i>October 1, 2022</i>	19a-80
Sec. 7	<i>October 1, 2022</i>	New section
Sec. 8	<i>October 1, 2022</i>	47a-21(b)